The Manual of Maritime Laws

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&
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Manual of

MARITIME

LAWS

Bears the Maritime Laws of Pakistan and International Maritime Laws

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PREFACE

The seemingly limitless expanse of oceans and seas that cover the surface of the earth have, since the dawn of humanity, acted as the vessels which facilitate the expansion and development of human society through trade, commerce, and, as history has continually exhibited, through warfare. Mankind, up until the last century, had competed for the bounties of the oceans, unconstrained by the ambit of any concerted set of rules and regulations. Even during the height of European Colonisation, the destiny of the oceans was governed by the mutual agreements and treaties made between the colonial powers themselves. It was only after two World Wars did Mankind realise the need for a mutually accepted document that governed the Law of the Seas.

Today we have this in the shape of various internationally ratified conventions and protocols that, among many, include the United Nations Convention on the Law of the Seas (UNCLOS), Convention on the International Maritime Satellite Organisation (INMARSAT), International Convention on the Prevention of Pollution from the Ships (MARPOL) and the Convention of the International Maritime Organisation (IMO), just to name a few. This complex labyrinth of laws addresses the issues naturally faced by modern Nation-States in their employment and utilisation of the common maritime spaces of the world.

Pakistan, as a Nation, has only recently started to explore the idea of building its Maritime economy sustainably, according to its domestic maritime laws and its internationally ratified conventions and protocols. Naturally, in the pursuit of building this economic edifice, Pakistan will also be faced with the challenge of constructing a supporting foundation of laws that may address a plethora of questions including shipping, maritime security, and the sustainable use of its marine resources.

Keeping the following obstacles in mind the Maritime Study Forum (MSF) wished to develop and produce a document that would provide the academic world and legal practitioners with a detailed Manual to the numerous aspects of maritime law. The Manual of Maritime Laws is a unique corpus of legal literature encapsulating both the domestic maritime laws of Pakistan alongside the multifaceted colossus of international maritime law. The Manual provides a detailed and comparative perspective of both the fields of domestic and international law, providing its user to have a single source from which to branch out into even more comprehensive research.

In conclusion, we wish to especially thank the Maritime Study Forum for making this project a reality, providing research and professional support throughout the production process leading to the publication of this Manual.

Baber Ali Bhatti
&
Syed Abdullah Anwer

Foreword

I would like to congratulate Mr. Baber Ali Bhatti and Mr. Syed Abdullah Anwer for, to the best of my knowledge, compiling the most comprehensive book to date on maritime laws of Pakistan. Pakistan's maritime sector has remained painfully neglected since the early 1970s and has never been at the forefront for policy and developments. Despite the fact that Pakistan's maritime sector holds huge potential for significant contributions to the national economy, the nation's policy makers and regulators have remained unable to eventuate the importance of this sector. Moreover, research fraternity and academia of Pakistan have also disposed little focus to the maritime domain of Pakistan. Consequently, Pakistan has remained in a state of sea-blindness; lacking awareness in the maritime domain. This state of affairs is indeed distressing when one looks back at Pakistan's vibrant maritime heritage prior to the early 1970s.

Since the onset of 21st century, developing countries, including Pakistan, India and Western Indian Ocean states, have awakened to the significance of the "Blue Economy". In this regard, littoral states have entered into multitudes of joint maritime ventures and cooperation. Moreover, states are also recognizing the need and importance for regional and global maritime regimes towards maximizing gains from the maritime sector. Numerous international maritime laws, including treaties and conventions, are globally in vogue today. The United Nations (UN) mandated international maritime governing body, the International Maritime Organization (IMO), has also promulgated hundreds of regulations to aid and guide in governance of maritime affairs. These laws, conventions and treaties have collectively defined various obligations upon states depending upon which law, treaty or convention was signed or ratified by that state.

Additionally, maritime states have also promulgated and legislated hundreds of maritime laws that, in most cases, are compatible with international maritime laws and regimes with an aim to provide

conducive and operable environment to their maritime sectors. Similarly, Pakistan, despite having remained a maritime blind nation over the past several decades, has also promulgated several maritime acts and ordinance. Pakistan, being a littoral state with more than a thousand kilometer coastline and a member of the IMO, has also signed and ratified various international treaties and convention. These acts, ordinance, treaties and conventions remain accessible at various forums and websites, however, have not yet been available at one single source.

Gratitude to Mr. Baber Ali Bhatti and Syed Abdullah Anwer, who carried out assiduous research in compiling the "Manual of Maritime Laws in Pakistan"; as a result of which a majority of these laws and regulations are not readily available in a single source. This is something the need for which has been felt for quite some time. This book contains various acts and ordinance promulgated over time pertaining to the maritime domain of Pakistan. Additionally, international convention, treaties, regimes and subsequent protocols related to Pakistan have also been included in this book. It is indeed wished that this book shall be updated from time to time in future.

I trust that this book shall prove to be an extremely useful resource for public and private maritime institutions, organizations and firms and especially for professionals and students eager to learn about maritime laws.

Khurrum Mirza

Executive Director
Pakistan National Shipping Corporation

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All the maritime laws of the world pertaining to maritime domain of Pakistan and Pakistan's legislations on maritime laws have been incorporated in the book "The Manual of Maritime Laws". This is the first and the most comprehensive source of research on maritime laws in Pakistan.

Niaz Ullah Khan Niazi
Advocate General of Islamabad
Advocate Supreme Court of Pakistan

All of maritime acts, ordinance promulgated by Pakistan's governments and international treaties, conventions and laws related to Pakistan's maritime domain were accessible at different forums and websites but had not been available at one single source before this book.

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Pakistan's drive to tap into the potential of oceans is driven by the human security paradigm, where economy and cooperation take precedent over high-politics. It is therefore of paramount importance to lay a strong legal foundation that facilitates cooperative mechanisms for dispute resolutions domestically and internationally. The book is an important step in this direction, which stands to advance the cause of maritime awareness and also serve as a comprehensive source of research for students and scholars of Maritime laws.

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